

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

EUGENE KENNETH BRINSON,

Petitioner,

V.

DAVID EBBERT,

Respondent.

Civil No. 3:12cv240-HEH

ORDER

(Accepting Report and Recommendation and Dismissing 28 U.S.C. § 2241 Petition)

In accordance with the accompanying Memorandum Opinion, it is hereby

ORDERED that:

1. The Report and Recommendation (ECF No. 11) is **ACCEPTED AND ADOPTED**;
2. The 28 U.S.C. § 2241 petition is **DISMISSED** for want of jurisdiction;
3. The action is **DISMISSED**; and
4. A certificate of appealability is **DENIED**.

Brinson may appeal the decision of the Court. Should he wish to appeal, a written notice of appeal must be filed within sixty (60) days of the date of entry hereof. Failure to file a timely notice of appeal may result in the loss of the ability to appeal.

The Clerk is DIRECTED to send a copy of the Memorandum Opinion and Order to Brinson and counsel for the United States.

It is SO ORDERED.

HEH /s/
HENRY E. HUDSON
UNITED STATES DISTRICT JUDGE

Date: Aug. 28, 2012
Richmond, Virginia